

Notice of Allowability

Application No.

09/909,020

Examiner

Fenn C Mathew

Applicant(s)

NIZAMUDDIN, NASH

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/06/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 20 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

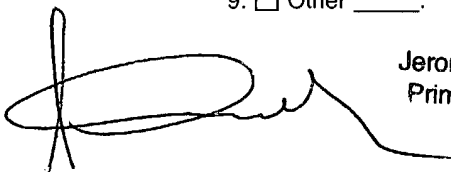
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

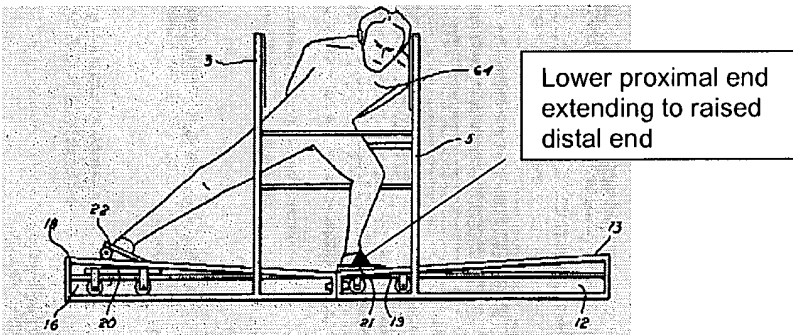
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Jerome W. Donnelly
Primary Examiner

DETAILED ACTION***Allowable Subject Matter***

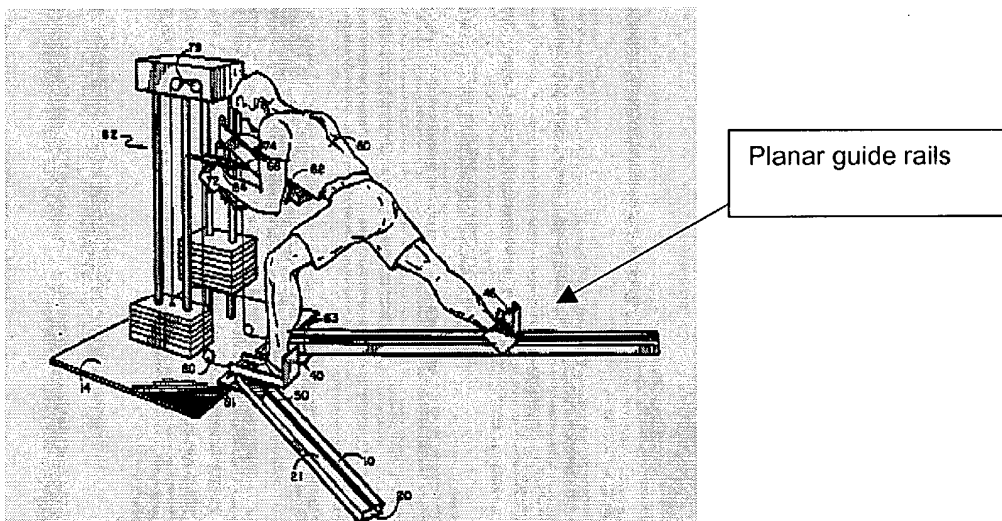
1. Claims 1-20 are allowed. The following is an examiner's statement of reasons for allowance: Ski and skating devices are old and well known in the art. Schutzer (U.S. 4,340,214) teaches a skating simulator (as seen below)



including a pair of guide rails, a pair of shuttles, including a frame for supporting a foot of a user. Schutzer fails to teach or make obvious the feature of having the pair of guide rails extend away from each other in a substantially mirror arrangement from raised proximal upper ends and continuously curving downwardly and rearwardly to a lower distal end portion.

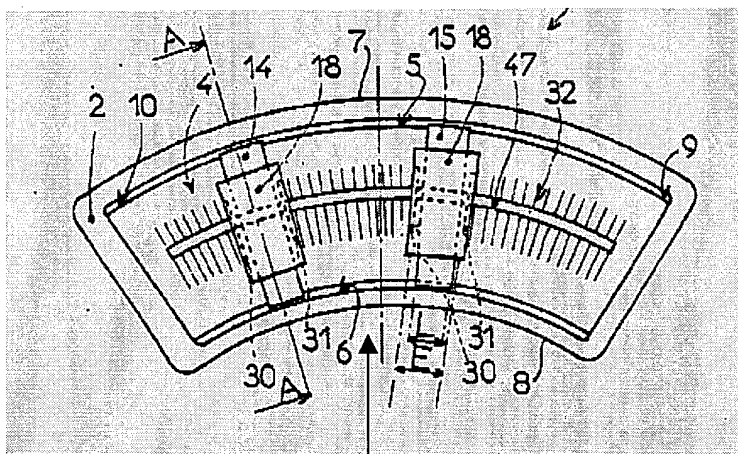
Art Unit: 3764

McCormack (U.S. 4,781,372) teaches a skating simulator (as seen below)



Including a pair of guide rails, a pair of shuttles, wherein the rails extend away from one another in substantially mirror arrangement. McCormack fails to teach the rails extending from raised proximal ends and continuously curving downward and rearward to a lower distal end.

Flament (U.S. 4,911,430) teaches an analogous device (see below)

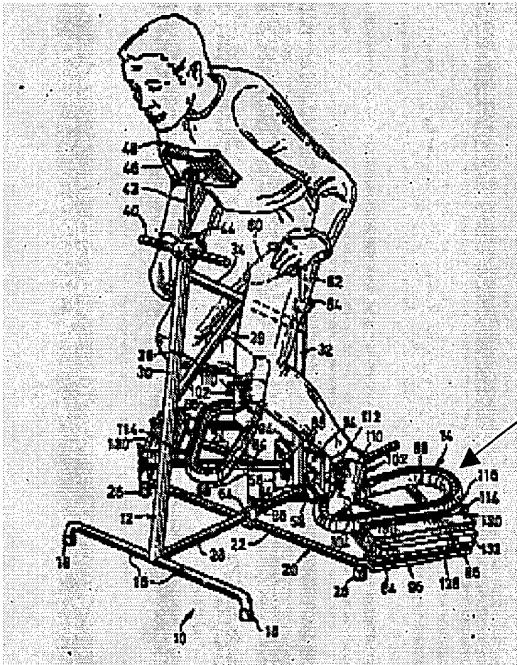


Lower proximal portion and raised distal ends.

Art Unit: 3764

including a pair of shuttles, and a guide rail curving rearward. Flament fails to teach a pair of guide rails extending from an upper proximal section downward to a lower distal end.

Walker (U.S. 4,915,373) teaches a device (as seen below)

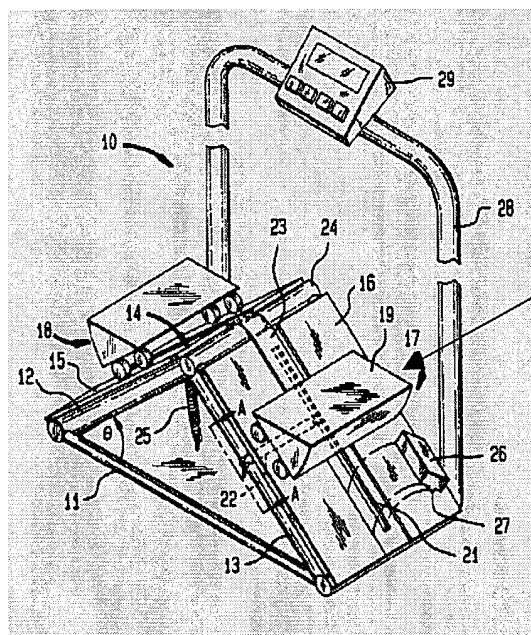


Not limited to reciprocal movement between proximal and distal ends, and no continuous curving from the proximal to distal end.

including a pair of shuttles located on guide rails that are in substantially mirror arrangement and curve rearward. Walker fails to teach the guide rails continuously curving from an upper proximal end to a lower distal end, nor does Walker teach that the shuttles are limited to reciprocal movement from the proximal and distal end.

Art Unit: 3764

Yacullo (U.S. 5,222,928) teaches a device (as seen below)

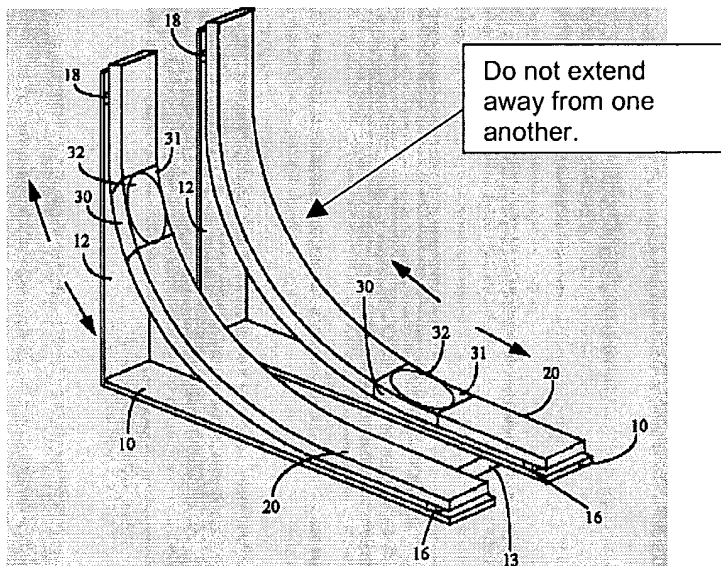


Track not curved
from proximal
upper end to distal
lower end.

Including a pair of guide rails extending from an upper proximal end downward towards a lower distal end, and a pair of shuttles in communication with each guide rail. Yacullo fails to teach the guide rails continuously curving downward and rearward from the raised proximal end to the distal end.

Art Unit: 3764

Argabright teaches a device (as pictured below)



including a pair of guide rails continuously curving from a proximal raised end to a distal lower end, and a pair of shuttles adapted to receive the feet of a user, in conjunction with each of the rails. Argabright fails to teach or make obvious having the guide rails extend away from one another in a substantially mirror arrangement.

The prior art of record fails to teach or make obvious the combination of a pair of guide rails in substantially mirror configuration extending from a raised proximal end to a distal lower end, continuously curving downward and rearward, and a pair of shuttles, with each shuttle limited to reciprocal movement from the proximal upper end to the distal lower end of each respective guide rail.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3764

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fcm

fcm

June 2, 2004

Jerome W. Donnelly
Primary Examiner

